

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated September 14, 2009 has been received and its contents carefully reviewed.

Claims 18 and 25 are hereby amended and claims 1-17 were previously canceled without prejudice or disclaimer of the subject matter contained therein. No new matter has been added. Accordingly, claims 18-33 are currently pending. Reexamination and reconsideration of the pending claims is respectfully requested.

The Office rejects claims 18-21, 25, and 27-30 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,620,014 to Milocco et al. (hereinafter “*Milocco*”). *Office Action* at p. 3. Applicant respectfully traverses the rejection.

Independent claim 18 is allowable in that it recites, among other features, “a heater disposed in the heater receiving portion and located adjacent the pump case.” (Emphasis added).

Independent claim 25 is allowable in that it recites, among other features, “a heater disposed in the sump housing and located adjacent the washing pump.” (Emphasis added).

Milocco fails to describe, either expressly or inherently, at least these features of the claimed invention.

At most, *Milocco* discloses that “the casing 10,... houses electric heating means, such as a resistance-type heating element 11,” and that water must travel, “from the delivery side 14 of the pump 8 along the conduit 9 and through the casing 10.” *Milocco* at col. 2, ll. 31-32 and ll. 53-55. Thus, indicating that heating element 11 is not, “located adjacent the pump case,” as recited in claims 18 and 25. *See id.* Additionally, Figure 1 of *Milocco* and its associated text, indicate that the resistance-type heating element 11 is merely located adjacent to the washing tank’s bottom 4, the conduit 9, inlet 12, and outlet 13. *Milocco* at col. 2, ll. 12-62 and Fig. 1. Additionally, the re-circulation pump 8 is merely located adjacent to the driving motor 17, the conduit 9, and delivery side 14. *See id.* Thus, *Milocco* cannot disclose or suggest, at least, “a heater disposed in the heater receiving portion and located adjacent the pump case,” as recited in claim 18, and “a heater disposed in the sump housing and located adjacent the washing pump,” as recited in claim 25. (Emphasis added).

Accordingly, Applicant respectfully submits that independent claims 18 and 25 are patentably distinguishable over *Milocco*. It stands to reason that claims 19-21 and 27-30, which variously depend from claims 18 and 25, are also patentable distinguishable for at least the same reasons. Thus, Applicant respectfully requests the Office to withdraw the rejection of claims 18-21, 25, and 27-30 under 35 U.S.C. § 102(b).

The Office rejects claims 22-24 and 31-33 under 35 U.S.C. § 103(a) as being unpatentable over *Milocco*. *Office Action* at p. 5. Applicant respectfully traverses the rejection.

Claims 22-24 and 31-33 are allowable in that they variously depend from independent claims 18 and 25. As discussed above, *Milocco* fails to disclose or suggest all the features of claims 18 and 25.

Accordingly, Applicants respectfully submit that independent claims 18 and 25 are patentably distinguishable over *Milocco*. It stands to reason that claims 22-24 and 31-33, which variously depend from independent claims 18 and 25, are also patentably distinguishable for at least the same reasons. Therefore, Applicants respectfully request the Office to withdraw the 35 U.S.C. § 103(a) rejection of claims 22-24 and 31-33.

The Office rejects claim 26 under 35 U.S.C. § 103(a) as being unpatentable over *Milocco* in view of U.S. Patent No. 5,165,433 to Meyers *et al.* (hereinafter “*Meyers*”). *Office Action* at p. 6. Applicant respectfully traverses the rejection.

Claim 26 is allowable in that it depends from independent claim 25. As discussed above, *Milocco* fails to disclose or suggest all the features of claim 25. *Meyers* fails to cure the deficiencies of *Milocco*. In fact, *Meyers* is merely cited for a purported teaching of a vertical motor shaft. *Office Action* at pp. 7.

Accordingly, Applicant respectfully submits that independent claim 25 is patentably distinguishable over *Milocco* in view of *Meyers*. It stands to reason that claim 26, which depends from independent claim 25, is also patentably distinguishable for at least the same reasons. Therefore, Applicant respectfully requests the Office to withdraw the 35 U.S.C. § 103(a) rejection of claim 26.

CONCLUSION

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

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Respectfully submitted,

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